

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

T.T.Ds — Appeal of Sri V.Subbaramaiah, Asst., T.T.Ds allowed by the Government – Review petition filed by the E.O, T.T.Ds u/s 122 of Act 30/1987 – Orders in G.O.Rt.No.1587, Revenue (Endts.III) Deptt., dt.22.8.2003 – Set-aside – Punishment imposed by the T.T.Ds – Reduced – Orders – Issued.

REVENUE (ENDOWMENTS.III) DEPARTMENT

G.O.Rt.No. 763

Dated:02.06.2009

Read the following:

1. G.O.Rt.No.1587, Revenue (Endts.III) Department, dt.22.8.2003.
2. From the E.O,T.T.Ds Letter Roc.No.B2/10309/2002, 07.02.2005.
3. Govt.Memo.No.18252/Endts.III/A1/2005-3, dt.13.6.2005.
4. Govt.Memo.No.18252/Endts.III/A1/2005, dt.03.11.2008.
5. From the E.O,T.T.Ds Letter Roc.No.B2/10308/2002, 17.01.2009.

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ORDER:

1. This is a review petition filed by the Executive Officer, Tirumala Tirupati Devasthanams u/s 122 of the Act 30/1987 to review the Government orders issued vide G.O.Rt.No.1587, Revenue (Endts.III) Department, dt.22.8.2003.
2. The Executive Officer, Tirumala Tirupati Devasthanams has reported that certain allegations were made against the staff who were working on Reception side in Tirumala for allotment of cottages, allowed the parties to continue in the cottage without collecting further rents etc. On the basis of the report of Chief Vigilance & Security Officer and preliminary enquiry report of Dy. Executive Officer (T), Tirumala Tirupati Devasthanams charges were framed against Sri V.Subbaramaiah, Asst., then working in MBC Sub enquiry office, Tirumala vide Memorandum of Charge Roc.No.DA1/51548/95, dt.8.6.1996.
3. The Officer on Special Duty, Tirumala Tirupati Devasthanams, Tirumala was appointed as enquiry officer. Accordingly, the Enquiry Officer submitted his enquiry report. A copy of the enquiry report and findings were communicated to the individual. The appellant in his explanation had requested for personal hearing of Executive Officer to submit his plea in person. Accordingly, he was given personal hearing by the Executive Officer. Considering the entire issue, he was awarded punishment of stoppage of (3) increments with cumulative effect.
4. Aggrieved by the said orders, he preferred an appeal before the Specified Authority of Tirumala Tirupati Devasthanams. The Specified Authority in its Res.No.552, dt.5/6-12-2001 resolved as follows:
"It was noticed that he failed to discharge the counter duty properly resulting in ineffective functioning of system of the allotment of accommodation. However, taking a lenient view, the punishment is modified to that of stoppage of three increments without cumulative effect"
5. Aggrieved by the above decision, he preferred an appeal before Government u/s120(ii) of the Act 30/1987. After hearing the appellant and taking a lenient view, the appeal filed by Sri V.Subbaramaiah, Asst. was allowed vide G.O.Rt.No.1587, Revenue (Endts.III) Deptt., dt.22.8.2003.

6. The Executive Officer., Tirumala Tirupati Devasthanams in his letter 2nd read above, had stated that Government had allowed the appeal of Sri V.Subbaramaiah and set aside the punishment imposed by the specified authority of Tirumala Tirupati Devasthanams. As the appellant did not deserve any consideration since he was awarded lesser punishment by the Specified Authority of T.T.D. He also reported that in the interest of protecting properties of Tirumala Tirupati Devasthanams and to enforce discipline among employees, the orders of the Government needs to be reviewed. The charges made against the appellant are grave in nature and in view of the instructions already issued in G.O.Ms.No.2, G.A.(SER.C) Deptt., dt.4.1.1999, the appellant did not deserve any lenient consideration, since the appellant was already awarded lesser punishment. The Trust Board of Tirumala Tirupati Devasthanams also resolved to review the orders issued in the said G.O and also requested the Government for interim suspension of the said G.O till such a time a decision is taken by the Government. The Executive Officer, requested to communicate orders of the interim suspension of the G.O and to expedite the review petition. Accordingly, Government suspended the G.O.Rt.No.1587, dt.22.8.2003 pending disposal of review petition vide reference 3rd read above.

7. In the meanwhile, Sri V.Subbaramaiah, Asst. filed a W.P.No.18486 of 2005 before the A.P. High Court with a prayer to quash the Govt. Memo.No.18252/Endts.III/A1/2005-3 Dt.13.6.2005 with all other consequential benefits monetary and otherwise.

8. The Hon'ble High Court have passed the following orders in W.P.No.18486/2005:

"the writ petition is allowed and the order dt.13.6.2005 is set aside, leaving liberty to the first respondent (Govt.) to take up the matter and decide the same, as per law, on its own merits, after putting the petitioner on notice in this regard and hearing him if necessary"

9. The case was heard on 19.07.2008 and 30.08.2008. The Counsel for Appellant and the Special Officer on behalf of Tirumala Tirupati Devasthanams were present. The Counsel for Appellant in his written arguments has stated that the employee was careful in discharging his duties and was also promoted from the cadre of Shroff to that of Junior Asst. and was allowed to retire from service on attaining the age of superannuation and he was also sanctioned all the pensionary benefits. At this belated stage and that too after retirement of the employee reviewing the Govt. Order would cause an avoidable hardship and mental agony to the employee. He has therefore requested to reject the Review petition filed by the Tirumala Tirupati Devasthanams.

10. In the meanwhile, the appellant filed Contempt Case in Hon'ble High Court for non-implementation of the orders of High Court by the Tirumala Tirupati Devasthanams. The Hon'ble High Court in its orders dt.08.08.2008 dismissed the Contempt Case as the Executive Officer, Tirumala Tirupati Devasthanams implemented the orders of High Court dt.20.2.2008.

11. The Executive Officer, Tirumala Tirupati Devasthanams in his letter 5th read above stated that since the Tirumala Tirupati Devasthanams filed Review Petition against the orders issued by the Government in G.O.Rt.No.1587, dt.22.8.2003, the same was not implemented. Further, Sri V.Subbaramaiah, retired from service of Tirumala Tirupati Devasthanams as Junior Assistant on 31.5.2005 on attaining the age of superannuation. His pensionary benefits were

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also settled based on the punishment awarded prior to issue of G.O.Rt.No.1587, dt.22.8.2003. In view of the above, as the Hon'ble High Court in its order dt.20.2.2008 allowed in W.P.No.18486/2005 filed by Sri V.Subbaramaiah leaving liberty to the Government to take up the matter and decide the same as per law, the Executive Officer requested the Government to examine the Review Petition filed by T.T.D and take a decision.

12. Government after careful examination of the issue, perusal of the records and hearing the appellant, came to conclusion that the orders issued in G.O.Rt.No.1587, Revenue (Endts.III) Deptt., dt.22.8.2003 have to be set-aside and to reduce the punishment imposed on the appellant.

13. Accordingly, Government hereby set-aside the orders issued in the G.O.Rt.No.1587, Revenue (Endts.III) Deptt., dt.22.8.2003 and the punishment awarded i.e. stoppage of (3) increments with out cumulative effect is reduced to that of 'stoppage of (2) increments without cumulative effect'.

14. The Executive Officer, Tirumala Tirupati Devasthanams shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.VEERABHADRAIAH
SECRETARY TO GOVERNMENT

To
The Executive Officer, Tirumala Tirupati Devasthanams
Sri V.Subbaramaiah, Jr. Asst. (retd.), thro' E.O, T.T.Ds, Tirupati

//FORWARDED::BY ORDER//

SECTION OFFICER